

# Congress of the United States

House of Representatives

Washington, DC 20515-3202

February 19, 2021

The Honorable Dick Durbin  
Chairman  
U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Chuck Grassley  
Ranking Member  
U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley,

Three weeks ago, it was reported to the nation that the New York State Department of Health, under the direction of Governor Andrew Cuomo, undercounted COVID-19 deaths among nursing home residents by approximately 50%. This revelation was reported and released by New York State Attorney General Letitia James. Her report made it clear that the State of New York's early reporting of 8,500 deaths in nursing homes and long-term care facilities due to COVID-19 was woefully inaccurate, and the state had overseen the deaths of more than 15,000 individuals.

To add insult to these inaccurate and deceitful reports, Secretary to the Governor, Melissa DeRosa, admitted to a group of Democrat state legislators that the Governor's office withheld this information out of fear that it would "be used against us" by the U.S. Department of Justice (DOJ). Adding additional concerns, DeRosa also reportedly stated that the DOJ was no longer focused on New York's nursing homes.

In response to the reports of Governor Cuomo's gross negligence and dereliction of his official duties, we the Republican members of the New York Congressional Delegation wrote a letter to Acting Attorney General Monty Wilkinson requesting the DOJ to open an obstruction of justice investigation into the Governor and his administration. To date, we have not received a response to our letter or our request.

In the coming week, the U.S. Senate Committee on the Judiciary will be holding confirmation hearings for President Biden's nominee to be the U.S. Attorney General, the Honorable Merrick B. Garland. We write this letter to request that during Judge Garland's confirmation he be asked a line of questioning about the role the U.S. Department of Justice should play in any investigation of a sitting Governor and his/her administration who conceivably obstructed justice.

We would also ask that Judge Garland make a strong statement promising to follow through with a proper obstruction of justice investigation into Governor Cuomo and his administration. The Governor's wrongdoings did not disappear with the election of President Biden and are not to be ignored due to the transition of a new administration within the DOJ.

We thank you for your attention to this correspondence and to our requests. We wish you both the best as you begin your work in confirming our nation's next Attorney General.

Sincerely,



Andrew R. Garbarino  
Member of Congress



Claudia Tenney  
Member of Congress



Elise M. Stefanik  
Member of Congress



Nicole Malliotakis  
Member of Congress



Lee Zeldin  
Member of Congress



Chris Jacobs  
Member of Congress



Tom Reed  
Member of Congress



John Katko  
Member of Congress